

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

QUAWNTAY ADAMS, et al.,

Defendants.

Case No. 04-CR-30029-DRH

ORDER

HERNDON, District Judge:

This matter is before the Court on defendant Quawntay Adams' Motion to Continue Trial Setting (Doc. 296). In conjunction, Defendant has also filed his Waiver of Speedy Trial, as set out in **18 U.S.C. § 3161**, in regards to the instant continuance he seeks (Doc. 295). The reason Defendant requests a further continuance of the current trial setting is because his counsel "is currently attempting to negotiate a conditional plea in this cause and additional time is needed in order to do so" (Doc. 296). The Government has not yet responded.

Considering whether to grant the continuance, the Court notes that the trial setting has already been continued many times.¹ However, every defendant facing criminal charges against him has a right to a trial by jury or to plead to those

¹ Several of these prior continuance are, in fact, the subject matter of an ongoing dispute between defendant Adams and the Government, as defendant Adams contests there have been violation(s) of the Speedy Trial Act, and likely intends to pursue this argument on appeal.

charges. If the Court were to deny a continuance in the light of the ongoing plea negotiations, this could severely impact the outcome of these discussions which would likely result in a miscarriage of justice. **See 18 U.S.C. § 3161(h)(8)(B)(i).** Therefore, the Court finds that a continuance is necessary, regardless of the Government's stance.

For the above state reasons, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such continuance outweigh the best interests of the public and Defendant in a speedy trial and to prevent a miscarriage of justice. Therefore, the Court **GRANTS** Defendant's Motion to Continue (Doc. 296). The Court **CONTINUES** the **JURY TRIAL** scheduled for Monday, March 12, 2007 to **Monday, August 20, 2007 at 9:00 a.m.** The time from the date the original Motion to Continue (Doc. 262) was filed, February 26, 2007, until the date to which the trial is rescheduled, August 20, 2007, is **EXCLUDABLE TIME** for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 1st day of March, 2007.

/s/ David RHerndon
United States District Judge